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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/065,253	09/30/2002	Scott G. Hicks	U02-0022.20	5656
24239	7590	09/01/2004	EXAMINER	
MOORE & VAN ALLEN, PLLC 2200 W MAIN STREET SUITE 800 DURHAM, NC 27705			CAI, WAYNE HUU	
			ART UNIT	PAPER NUMBER
			2681	
DATE MAILED: 09/01/2004				

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/065,253	HICKS ET AL.	
	Examiner Wayne Cai	Art Unit 2681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 30 September 2002.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-24 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-24 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>2</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____ .

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-4, 7-10, 13-16, and 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sambin (US 2004/0106413 A1) in view of Anvekar et al (US 2002/0197991 A1).

Regarding claims 1, 7, 13 and 19, Sambin discloses a method, system, computer program, and mobile phone that can determine whether a mobile phone is currently in a home network or a roaming network, the mobile phone including a SIM card resident thereon (paragraph 0013), the SIM card including

an IMSI file, an OPL file, and a PNN file, each file having a record structure, the method comprising:

receiving, in the mobile phone, an over-the-air signal comprised of control data including public land mobile network (PLMN) [paragraphs 0005-0006] data and location area information (LAI) data (paragraphs 0005-0007);

Sambin does not teach a method, system, computer program, and mobile phone of comparing the received PLMN data to PLMN data stored in the IMSI file on the SIM card, and if the received PLMN data matches the stored PLMN data, then determining that the current network is a home network; otherwise checking whether the received LAI data is contained in the OPL file, and if not, then determining that the current network is a roaming network; otherwise checking if the PNN record that the OPL record points to is the first record of the PNN file, and if it is, then determining that the current network is a home network; otherwise determining that the current network is a roaming network.

However, one of ordinary skilled in the art would have known that if the received PLMN data matches with PLMN data stored in the IMSI file on the SIM card, then the current network is a home network. In addition, it is also obvious that if the OPL record, which includes the PLMA and LAC information, points to the first record, then determining that the current network is a home network. The OPL file here shows that the mobile phone is located within the same area. Therefore, it records the same information.

Anvekar et al disclose a method, system, computer program, and mobile phone of checking whether the received LAI data is contained in the OPL file,

and if not, then determining that the current network is a roaming network (paragraph 0041);

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Sambin's method of receiving a control data PLMN and LAI, and stored it in a SIM card with Anvekar's method of determining whether a mobile phone is currently in home network, or roaming network because it is useful to use a stored information within a same device to solve an issue.

Regarding claims 2, 8, 14, and 20, Sambin and Anvekar's et al teach all the limitations of claims 1, 7, 13, and 19. Sambin further discloses the method, system, computer program, and mobile phone of claim 1 wherein the networks are GSM networks (paragraph 0001).

Regarding claims 3-4, 9-10, 15-16, and 21-22, it is well known in the art that upon a WAP session request, a digital CSD connection if the network is a home network, and an analog CSD connection if the network is a roaming network.

Upon a WAP session establishment, a user needs to do some text transactions such as text messaging, and it is obvious that if the mobile phone is in the home network, then digital connection is established, and if the mobile phone is out of the home network, then analog connection is established.

4. Claims 5-6, 11-12, 17-18, and 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sambin (US 2004/0106413 A1) in view of Anvekar et al (US 2002/0197991 A1), in further view of Raith (US – 6,493,547 B1).

Regarding claims 5, 11, 17, and 23, Sambin, and Anvekar et al teach all the limitations of claims 2, 8, 14, and 20.

However, Sambin and Anvekar et al do not teach the method, system, computer program, and mobile phone that provide an audible signal when the mobile phone is in a roaming network.

Raith discloses the method, system, computer program, and mobile phone of claim 2 further comprising providing an audible signal when the mobile phone is in a roaming network to indicate that roaming charges apply while the mobile phone is in the roaming network (column 11, lines 55-67, and column 12, lines 1-7).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Sambin, and Anvekar's invention of determining whether the current network is a home network or roaming network with Raith's invention of providing visual or audible signal to indicate that the mobile phone is in a roaming network because it is just helpful for users to realize that they are in the roaming area where it might cost them more for using the phone in this area.

Regarding claims 6, 12, 18, and 24, Sambin, and Anvekar et al teach all the limitations of claims 2, 8, 14, and 20.

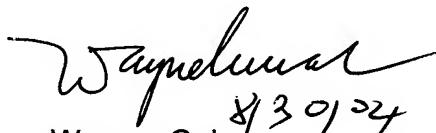
Raith discloses the method, system, computer program, and mobile phone of claim 2 further comprising providing a visual signal when the mobile phone is in a roaming network to indicate that roaming charges apply while the mobile phone is in the roaming network (column 11, lines 55-67, and column 12, lines 1-7).

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wayne Cai whose telephone number is (703) 305-0265. The examiner can normally be reached on Monday-Friday, 9:00-6:00, alternating Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on (703) 308-4825. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Wayne Cai
Examiner
Art Unit 2681

WHC


EPA GARY
PATENT EXAMINER